IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| STEVEN K. BATTLE, JAMES |) | 8:14CV398 |
|-------------------------|---|-------------------|
| DAISLEY, and JEFFEREY |) | |
| WEHRMAN, |) | |
| |) | |
| Plaintiffs, |) | MEMORANDUM |
| |) | AND ORDER |
| V. |) | |
| |) | |
| NEBRASKA STATE PRISON |) | |
| MEDICAL DEPT., et al., |) | |
| |) | |
| Defendants. |) | |
| | | |

This matter is before the court on motions filed by Plaintiffs James Daisley and Jefferey Wehrman in response to the court's order dated December 5, 2014. The court provided Daisley and Wehrman, the non-lead Plaintiffs in this matter, with an opportunity to "opt out" of this group litigation by so advising the court in writing. Daisley and Wehrman were each warned that failure to respond to the court's order would obligate him to pay the full filing fee and would result in his dismissal from this action for want of prosecution. (*See* Filing No. 6.)

Both Daisley and Wehrman responded by requesting that they be dismissed from this group litigation. (Filing Nos. 9 and 10.) As they were advised, they will be dismissed from this action and will not be required to pay the filing fee in this matter.

IT IS THEREFORE ORDERED that:

1. Battle is the only remaining Plaintiff in this matter. The court will enter a separate order in this case on his request for leave to proceed in forma pauperis.

¹The court designated Steven Battle as the lead Plaintiff in this case.

2. Daisley and Wehrman's motions seeking leave to withdraw from this action (Filing Nos. 9 and 10) are granted. They are dismissed from this action without prejudice. They will not be required to pay the filing fee for this action. The clerk's office is directed to send a copy of this order to the financial officer at the Nebraska State Prison.

DATED this 12th day of December, 2014.

BY THE COURT:

s/ Joseph F. BataillonSenior United States District Judge

^{*}This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.